

# FINAL BILL REPORT

## HB 3122

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Synopsis as Enacted

**Brief Description:** Recognizing the safety of child protective, child welfare, and adult protective services workers.

**Sponsors:** By Representatives Kagi, Walsh, Dickerson, Darneille, Ericks, Ormsby and Roberts.

**House Committee on Children & Family Services**  
**Senate Committee on Human Services & Corrections**

### **Background:**

Workers' compensation payments are provided to employees who are injured on the job. Payments under the program, however, do not equal an employee's full pay and are based on a graduated scale reflecting marital status and number of dependents.

In February 2005, a child protective services social worker in Ferry County was assaulted while assisting law enforcement authorities with removal of three children from a neglectful situation in their home. The children's father was shot and killed by law enforcement as he attacked the social worker with a machete and a two-by-four piece of wood. The worker was hospitalized and treated for wounds to her head, shoulders, arms, and wrists. As a result of the assault, the worker missed numerous workdays and used her personal sick leave to cover the short fall between workers' compensation payments and her full salary.

In response to the attack on the social worker, the Legislature in 2005 created a work group to develop policies and protocols to address worker safety and to make recommendations for training to respond to the sometimes volatile, hostile, and threatening situations faced by social workers. The work group provided its report to the Legislature in December 2005, and recommended two changes to current laws related to on the job injuries and stalking of persons performing official job duties.

### Reimbursement for Employees Assaulted on the Job

Certain groups of state employees are entitled to reimbursement when they are assaulted in the course of their job duties and miss work as a result of their injuries. Employees of the following state agencies who work with confined populations are eligible for such reimbursement:

- (1) Department of Veterans' Affairs;
- (2) Department of Natural Resources;
- (3) Department of Corrections; and
- (4) Department of Social and Health Services.

Employees of the Department of Transportation who sustain injury and miss work as a result of assaults by motorists also are entitled to reimbursement. For all departments, the amount of

an employee's reimbursement is limited to the difference between the employee's regular pay and the amount paid under workers' compensation.

### Felony Stalking

Stalking is the intentional harassment or following of another person which creates the fear of injury to person or property when the stalker intends to frighten, intimidate or harass, or when the stalker knows or reasonably should know the other person is afraid, intimidated, or harassed. Stalking is a misdemeanor unless certain conditions apply making the offense a class C felony.

Those conditions include when the person being stalked is one of the following individuals and is being stalked in retaliation for some act performed during the course of performing official duties or to influence the person's future performance of official duties:

- (1) law enforcement officer;
- (2) judge;
- (3) juror;
- (4) attorney;
- (5) victim advocate;
- (6) legislator; or
- (7) community corrections officer.

### **Summary:**

The two recommendations for changes to current laws from the worker safety work group created in 2005 are implemented.

### Felony Stalking

Child protective, child welfare, and adult protective services workers are added to the list of persons for whom stalking constitutes a class C felony when done in retaliation for the person's conduct of official duties or when done to influence the future performance of official duties.

### Reimbursement Program

Employees of the Department of Social and Health Services (DSHS) who provide child protective, child welfare, and adult protective services and who are assaulted and injured on the job are added to the list of state employees who are entitled to receive reimbursement under the following conditions:

- (1) the employee was assaulted during the course of performing official duties and has sustained injury causing the employee to miss days of work;
- (2) the assault is not attributable to the employee's negligence, misconduct, or failure to comply with rules; and
- (3) the Department of Labor and Industries has approved a workers' compensation application for the injured employee.

The amount of reimbursement is limited to an amount that, when added to the employee's workers' compensation payment, equals the employee's full pay for the workdays missed. An employee is eligible for reimbursement for up to 365 days. Reimbursement payments must be

made by the DSHS from the same appropriation and in the same manner as other salary and wage expenses. If the Legislature revokes the reimbursement in the future, no entitlement or contractual right to the reimbursement exists.

Implementation of Other Recommendations

The DSHS must report to the Legislature by December 2, 2006, regarding implementation of other recommendations from the work group regarding worker safety.

**Votes on Final Passage:**

House	98	0	
Senate	46	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** June 7, 2006